

**RULES
OF
TENNESSEE DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT
ENERGY DIVISION**

**CHAPTER 0500-3-2
PUBLIC RECORDS**

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0500-3-2-.01 AUTHORITY. Pursuant to the provisions of T.C.A. §4-3-712 (b), the Energy Division may adopt regulations concerning types of information which it considers proprietary and to be treated in a confidential manner.

Authority: T.C.A. §§4-3-702 (c) and 4-3-712 (b). *Administrative History:* Original rule filed July 26, 1984; effective October 14, 1984.

0500-3-2-.02 PURPOSE. The purpose of this policy is to clarify those records of the Energy Division which are open to public inspection and records which are proprietary and confidential.

Authority: T.C.A. §§4-3-702 (c) and 4-3-712 (b). *Administrative History:* Original rule filed July 26, 1984; effective October 14, 1984.

0500-3-2-.03 DEFINITIONS.

- (1) Public record(s) shall mean all documents, papers, letters, maps, books, photographs, microfilm, electronic data processing files and output, films, sound recordings, or other material regardless of physical form or characteristics made or recorded.
- (2) Working papers shall mean those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.
- (3) Proprietary information shall mean any information which reveals the market share, marketing strategy, or plans of marketing of individual electricity, coal, oil, or natural gas producers, distributors, or retailers.
- (4) Energy information shall mean any aggregate statistical data pertaining to energy consumption and production.

Authority: T.C.A. §§4-3-702 (c), 4-3-712 (b), and 10-7-301 (e). *Administrative History:* Original rule filed July 26, 1984; effective October 14, 1984.

0500-3-2-.04 PUBLIC RECORD POLICY.

- (1) All records of the Energy Division which are public records as defined in 0500-3-2-.03 are open to examination by the public during regular office hours, except those records which are confidential by law. The following, by law, shall be considered proprietary and not open for public inspection:

(Rule 0500-3-2-.04, continued)

- (a) All forms of information related to the actual and projected sales, volumes and revenues of individual electricity, coal, oil, and natural gas producers, distributors, and retailers which would expose the reporting source to advantage or any opportunity to advantage by competitors. These forms shall include, but not be limited to, EIA-782C, EA 104 and FERC 16.
- (b) Working papers or work sheets containing proprietary information designated to serve as input for the final aggregate reporting of the data.

Authority: T.C.A. §§4-3-702 (c) and 4-3-712 (b). **Administrative History:** Original rule filed July 26, 1984; effective October 14, 1984.

0500-3-2-.05 INSPECTION.

- (1) All information defined as public records will be available to the public pursuant to the conditions as follows:
 - (a) A written request for inspection of public records shall be made to the Assistant Commissioner of the Energy Division at least five (5) working days prior to the desired day of inspection.
 - (b) The written request will provide specific description of the records to be reviewed including the time periods from which information is desired.
 - (c) The requests shall provide the name, address and telephone number of the person seeking access to the information.
 - (d) The inspection shall occur during normal office hours.
 - (e) The inspection shall be conducted under the observation of a member of the staff of the Energy Division.
 - (f) Copies of public records will be made available upon request at a cost of \$.50 per page except for federal, state, or local government agencies.
 - (g) No public records shall be removed from the offices of the Energy Division.
 - (h) All charges for copies of records and information provided for herein shall be prepaid and payable by personal or corporate check to the Tennessee Department of Economic and Community Development.

Authority: T.C.A. §4-3-702 (c). **Administrative History:** Original rule filed July 26, 1984; effective October 14, 1984.